

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William P. Apps, et al.

Serial No.: 10/077,543

Filed: February 2, 2002

Attorney Docket No.: 2049 PUS

For: COLLAPSIBLE CONTAINER

**REQUEST FOR REFUND
UNDER 37 C.F.R. § 1.28(a)**

Mail Stop 16 (refunds)
Director of the US Patent & Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This request for refund is made in response to the October 29, 2004 "Monthly Statement of Deposit Account" just received, in which fees were inaccurately charged to Applicant's Deposit Account for the above application, in the amount of \$86.00.

Applicant's Amendment After Final faxed October 8, 2004 included one new independent claim. The fee for this independent claim was \$88 however on page 9 of the amendment, applicant erroneously authorized a charge of \$86 (plus any deficiencies). Instead of charging our Deposit account an extra \$2 for the deficiency, the PTO charged an additional \$88 in addition to the \$86 already charged. Therefore we have been overcharged by \$86.

The total amount of the refund requested is \$86.00.

II. MANNER OF REFUND

Please make refund by crediting \$86.00 to Deposit Account No. 50-1984.

Respectfully submitted,

William P. Apps, et al.

Date: Jan 5, 2005

4010 E. 26th St.; Los Angeles, CA 90023

By: Ka D
Konstantine J. Diamond, Reg. No. 39,657

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8	
I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop 16, Director of the US Patent & Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on:	
<u>1/5/05</u> Date of Deposit	<u>Ka D</u> Signature
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Serial No. 10/077,543
Attorney Docket No: 2049 PUS

3728

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William P. Apps et al.

Examiner: Jila M. Mohandesi

Serial No.: 10/077,543

Art Unit: 3728

Filed: February 15, 2002

For: COLLAPSIBLE CONTAINER

Attorney Docket No.: 2049 PUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AMENDMENT

Applicant responds to the first non-final rejection mailed November 6, 2003 as follows:

A complete listing of the claims begins on page 2.

Remarks begin on page 8.

CERTIFICATE OF MAIL

I hereby certify that this document, and all enclosures referred to herein, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 6, 2004.

Konstantine J. Diamond

Adjustment date: 02/24/2005 SDIRETA1
10/13/2004 SBRYCE 00000002 501984 10077543
01 FC:1201 86.00 CR

02/24/2005 SDIRETA1 00000034 501984 10077543

01 FC:1252 420.00 DA

COMPLETE LISTING OF THE CLAIMS

1. (Currently Amended) A collapsible container comprising:

a base member having a bottom wall, a pair of first base wall portions and a pair of second base wall portions, the second base wall portions having a recessed base area formed therein;

a pair of first opposed walls pivotably attached to a corresponding one of the ~~first~~ second base wall portions and orientable between ~~an upright~~ an upright orientation and an inwardly folded orientation; and

a pair of second opposed walls pivotably attached to a corresponding one of the ~~second~~ first base wall portions and orientable between an upright orientation and an overlapping folded orientation, each of the second opposed walls generally corresponding in height and each having at least one projection member arranged to be received within the recessed area of the second base wall portions when in the overlapping folded orientation, and wherein each second opposed wall has a recessed wall area arranged to receive the projection member of an other second opposed wall folded thereon.
2. (Original) The collapsible container of claim 1 wherein the pair of second opposed walls are oriented parallel to each other when in the inwardly folded position.
3. (Original) The collapsible container of claim 1 wherein each of the pair of second opposed walls has a pivot axis of equivalent height from the base member.

Claim 9 recites that the axes of rotation of the second opposed side walls are in a plane generally parallel to the bottom wall. As shown in Figure 2 of Marovskis and as described at col. 5, lines 18-20, "the plane in which the hinge 40 lies is spaced from the plane in which the hinge 42 lies."

New claim 13 recites, "at least one projection member for connecting to an adjacent one of the first walls when in the upright orientation." The projection 49 in Marovskis does not connect to a first wall. Even if another pair of walls were added to Marovskis, there is no suggestion, motivation or way of using the projection 49 to connect to an adjacent wall. Therefore, new claim 13 is patentable over Marovskis.

Information Disclosure Statement

Applicant filed an Information Disclosure Statement on November 4, 2003. It appears that the IDS and the Office Action may have crossed in the mail because there is no indication that the Examiner considered the IDS. Consideration of the November 4, 2003 IDS is requested.

Please charge Deposit Account No. 50-1984 in the amount of \$506 (including \$86 for one additional independent claim and \$420 for a two-month extension of time). If any other fees are due, please charge any such fees to Deposit Account No. 50-1984.

Respectfully submitted,



Dated: April 6, 2004

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